

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

WEDNESDAY, 23 MAR 2005

PCT

To: Agent :

Davies Collison Cave
Level 15
1 Nicholson Street
MELBOURNE VIC 3000NOTIFICATION OF RECEIPT
OF DEMAND BY COMPETENT INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY(PCT Rule 59.3(e) and 61.1(b), first sentence
and Administrative Instructions, Section 601(a))Date of mailing 22 MAR 2005
(day/month/year) (22/3/2005)Applicant's or agent's file reference
12449720

IMPORTANT NOTIFICATION

International application No.
PCT/AU2004/000637International filing date (day/month/year)
14 MAY 2004 (14/5/2004)Priority date (day/month/year)
14 MAY 2003 (14/5/2003)

Applicant

Vision Fire & Security Pty Ltd (et al.)

1. The applicant is hereby **notified** that this International Preliminary Examining Authority considers the following date as the date of receipt of the demand for international preliminary examination of the international application:

11 MAR 2005 (11/3/2005) /

2. That date of receipt is:

- ☒ the actual date of receipt of the demand by this Authority (Rule 61.1(b)).
- ☐ the actual date of receipt of the demand on behalf of this Authority (Rule 59.3(e)).
- ☐ the date on which this Authority has, in response to the Invitation to correct defects in the demand (Form PCT/IPEA/404), received the required corrections.

3. ☒ **Attention:** That date of receipt is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months (or later) may nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

☐ (If applicable) This notification confirms the information given by telephone, facsimile transmission or in person on:

4. Only where paragraph 3 applies, a copy of this notification has been sent to the International Bureau.

Name and mailing address of the IPEA/AU
AUSTRALIAN PATENT OFFICE
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LORETTA
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PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

WEDNESDAY - 7 SEP 2005

To:

Davies Collison Cave
Level 15
1 Nicholson Street
MELBOURNE VIC 3000

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing
(day/month/year) 06 SEP 2005

Applicant's or agent's file reference
12449720/DH/gjm

IMPORTANT NOTIFICATION

International application No.

PCT/AU2004/000637

International filing date (day/month/year)

14 May 2004

Priority date (day/month/year)

14 May 2003

Applicant

VISION FIRE & SECURITY PTY LTD et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/AU

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PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)
 (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 12449720/DH/gjm	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/AU2004/000637	International filing date (day/month/year) 14 May 2004	Priority date (day/month/year) 14 May 2003
International Patent Classification (IPC) or national classification and IPC Int. CL. ⁷ G08B 17/10		
Applicant VISION FIRE & SECURITY PTY LTD et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 11 March 2005	Date of completion of the report 5 September 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JUZER KHANBHAI Telephone No. (02) 6283 2176

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/000637

Box No. I **Basis of the report**

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-22 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☒ the claims:

pages 23-25 as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 26-28 received by this Authority on 11 March 2005 with the letter of 11 March 2005

pages* received by this Authority on with the letter of

☒ the drawings:

pages 1/15-15/15 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/000637

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 8-14, 32-40, 45, 47, 49	YES
	Claims 1-7, 15-31, 41-44, 46, 48, 50-53	NO
Inventive step (IS)	Claims 8-14, 32-35, 37-40, 45, 47, 49	YES
	Claims 1-7, 15-31, 36, 41-44, 46, 48, 50-53	NO
Industrial applicability (IA)	Claims 1-53	YES
	Claims -	NO

2. Citations and explanations (Rule 70.7)

NOVELTY (N) claims 1-7, 15-31, 41-44, 46, 48, 50-53

D1-US 5696379 A (STOCK) 9 December 1997

D2-US 5576697 A (NAGASHIMA et al.) 19 November 1996

D3-US 3924252 A (DUSTON) 2 December 1975

The present invention is directed toward the field of smoke detection and uses radiation scattered from an incident beam in a monitored area to detect particles.

D1 is a measuring device for detecting gas using modulated multiple beam infra red absorption. It is considered that claims 1-7, 15-26, 28-31, 41-44, 46, 48, 50-53 are not novel in light of D1. D1 does not disclose a laser device.

D2 is a fire alarm which detects fire by measuring the properties of scattered radiation emitted from multiple light emitting devices. It is considered that claims 1-7, 15-31, 41-44, 46, 48, 50-53 are not novel in light of D2 which discloses all features of the claims.

D3 discloses a method of laser smoke detection and it is considered that claims 1-7, 15-31, 41-44, 46, 48, 50-53 are not novel in light of D3 which discloses all features of the claims.

INVENTIVE STEP (IS) claims 1-7, 15-31, 36, 41-44, 46, 48, 50-53

Claims 1-7, 15-31, 41-44, 46, 48, 50-53 as above.

Claim 36: The feature of using a computer to implement a method as in claim 36 is considered to lack an inventive step in light of any of D1-D3 when combined individually with common general knowledge. Computer monitoring of building environment (eg. Climate control & burglar alarms) is very well known in the field of building maintenance.

None of D1-D3 disclose or suggest the detection of smoke in sub-regions to localise its source and as such the remaining claims are considered to be novel and inventive over the cited art.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/000637

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claims 4-8, 10-14, 16-27, 30-31 and 33-35 are not clear because they are either appended to themselves or to an earlier claim which is appended to itself. For example claim 4 describes "[a] method as claimed in claim 4". This problem persists throughout the claims.